

GIBSON, DUNN & CRUTCHER LLP
AUSTIN V. SCHWING, SBN 211696
aschwing@gibsondunn.com
G. CHARLES NIERLICH, SBN 196611
gnierlich@gibsondunn.com
JOSHUA D. DICK, SBN 268853
jdick@gibsondunn.com
PETER C. SQUERI, SBN 286249
psqueri@gibsondunn.com
KELSEY J. HELLAND, SBN 298888
khelland@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant JUUL LABS, INC.

FREESE & GOSS, PLLC
PEDRO "PETER" DE LA CERDA, SBN 249085
peter@freeseandgoss.com
RICHARD A. FREESE, *Pro Hac Vice to be filed*
rich@freeseandgoss.com
TIM K. GOSS, *Pro Hac Vice to be filed*
tim@freeseandgoss.com
3500 Maple Avenue, Suite 1100
Dallas, TX 75219
Telephone: (214) 550-5239
Facsimile: (214) 722-2101

MATTHEWS & ASSOCIATES
DAVID P. MATTHEWS, *Pro Hac Vice to be filed*
2509 Sackett Street
Houston, TX 77098
Telephone: (713) 522-7172
Facsimile: (713) 535-7135

Attorneys for Plaintiff NOAH VERMILLION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOAH VERMILLION,

Plaintiff,

v.

JUUL LABS, INC.,

Defendant.

CASE NO. 4:19-cv-05286-DMR

**STIPULATION AND [PROPOSED] ORDER
TO STAY PROCEEDINGS PENDING JPML
RULING**

Hon. Donna M. Ryu

Action Filed: August 23, 2019
Trial Date: None Set

STIPULATION

Pursuant to Civil Local Rule 7-12, Plaintiff Noah Vermillion and Defendant JUUL Labs, Inc. (“JLI”) (collectively, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on July 29, 2019, JLI moved the Judicial Panel on Multidistrict Litigation (“JPML”) for an order transferring numerous cases presenting common questions of fact and law in several federal district courts across the country in which JLI is a defendant, and any subsequently filed tag-along cases, to the U.S. District Court for the Northern District of California for coordination or consolidation (the “MDL Motion,” MDL No. 2913, Dkt. 1);

WHEREAS, on August 23, 2019, Plaintiff filed the Complaint in this action (Dkt. 1), which includes factual allegations and legal claims that are substantially similar to those asserted in more than 20 cases identified in the MDL Motion and subsequent tag-along notices;

WHEREAS, Plaintiff served the Complaint on JLI on August 29, 2019;

WHEREAS, the JPML has set September 26, 2019 as the hearing date for the MDL Motion (MDL No. 2913, Dkt. 23);

WHEREAS, the JPML’s ruling on the MDL Motion may result in the transfer of this action to another judge within this district or another judicial district for coordinated and/or consolidated pre-trial proceedings;

WHEREAS, the Parties believe that it would conserve the resources of the Court and the Parties to postpone further litigation of this case, including further pleading practice, until the JPML rules on the pending MDL Motion;

WHEREAS, this action is in its infancy and there has been no responsive pleading or discovery;

WHEREAS, the requested stay, if granted, would not result in prejudice to any party, and would be in effect only until the JPML issues its decision;

NOW THEREFORE, the Parties, through their undersigned counsel, hereby stipulate, agree, and respectfully request that the Court enter an Order establishing the following:

1 1. All proceedings and deadlines, including but not limited to the requirement for
2 JLI to move to dismiss, answer, or otherwise respond to the Complaint, shall be STAYED in this
3 action pending further order of the court following the decision of the JPML on the pending
4 Motion to Transfer Related Cases for Consolidated Pretrial Proceedings (MDL No. 2913,
5 Dkt. 1); and

6 2. In the event the JPML does not transfer this case pursuant to 28 U.S.C. § 1407,
7 the Parties will promptly notify the Court regarding the outcome of the MDL Motion, and will
8 propose a timetable for any action with respect to the Complaint that may be required to take
9 place in this Court.

10
11 **IT IS SO STIPULATED**

12 Respectfully submitted,

13 Dated: September 3, 2019

GIBSON, DUNN & CRUTCHER LLP

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15 By: /s/ Austin V. Schwing
 Austin V. Schwing

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17 Attorneys for Defendant JUUL LABS, INC.

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19 Dated: September 3, 2019

FREESE & GOSS, PLLC

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21 By: /s/ Pedro "Peter" de la Cerda
 Pedro "Peter" de la Cerda

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23 Attorneys for Plaintiff NOAH VERMILLION
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ATTORNEY ATTESTATION

I, Austin V. Schwing, hereby attest that concurrence in the filing of this document has been obtained from the above signatories.

By: /s/ Austin V. Schwing
Austin V. Schwing

**[PROPOSED] ORDER
PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: _____

THE HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE